
SENATE BILL No. 65

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47.

Synopsis: Possession of handguns. Provides that a person who possesses a valid Indiana license to carry a handgun may not be prohibited from possessing a handgun on land or in buildings and other structures owned or leased by: (1) the state or a political subdivision of the state; or (2) a nonpublic elementary school, nonpublic secondary school, or nonpublic postsecondary educational institution. Provides exceptions for airports and penal facilities.

Effective: July 1, 2008.

Nugent

January 8, 2008, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 65

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 35-47-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. This chapter does not apply to the following:

(1) A:

(A) federal;

(B) state; or

(C) local;

law enforcement officer.

(2) A person who has been employed or authorized by:

(A) a school; or

(B) another person who owns or operates property being used by a school for a school function;

to act as a security guard, perform or participate in a school function, or participate in any other activity authorized by a school.

(3) A person who:

(A) may legally possess a firearm; and

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(B) possesses the firearm in a motor vehicle that is being operated by the person to transport another person to or from a school or a school function.

(4) A person who possesses a valid license to carry a handgun issued under IC 35-47-2.

SECTION 2. IC 35-47-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. Notwithstanding IC 36-1-3, a unit may not regulate in any manner the ownership, possession, sale, transfer, or transportation of firearms (as defined in IC 35-47-1-5) or ammunition except as follows:

(1) **Subject to IC 35-47-16**, this chapter does not apply to land, buildings, or other real property owned or administered by a unit, except highways (as defined in IC 8-23-1-23) or public highways (as defined in IC 8-2.1-17-14).

(2) Notwithstanding the limitation in this section, a unit may use the unit's planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within two hundred (200) feet of a school by a person having a business that did not sell firearms within two hundred (200) feet of a school before April 1, 1994.

(3) Notwithstanding the limitation in this section, a legislative body of a unit other than a township may adopt an emergency ordinance or a unit other than a township may take other action allowed under section 6 of this chapter to regulate the sale of firearms anywhere within the unit for a period of not more than seventy-two (72) hours after the regulatory action takes effect.

SECTION 3. IC 35-47-16 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 16. Possession of Handguns

Sec. 1. This chapter does not apply to the following:

(1) **A state prison, a correctional facility, a city or county jail, a penitentiary, or any other facility used to confine persons who:**

(A) **have been sentenced for committing crimes; or**

(B) **are awaiting trial or sentencing for committing crimes.**

(2) **IC 35-47-6 concerning weapons in airports and on aircraft.**

Sec. 2. As used in this chapter, "political subdivision" means a:

(1) **county;**

(2) **township;**

(3) **city;**

(4) **town; or**

(5) **municipal corporation (as defined in IC 36-1-2-10).**

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1 **Sec. 3. As used in this chapter, "state" means Indiana or any**
2 **agency of state government.**

3 **Sec. 4. A person who possesses a valid license to carry a**
4 **handgun issued under IC 35-47-2 may not be prohibited from**
5 **possessing a handgun on land or in buildings and other structures**
6 **owned or leased by:**

7 **(1) the state or a political subdivision of the state; or**
8 **(2) a nonpublic elementary school, nonpublic secondary**
9 **school, or nonpublic postsecondary educational institution.**

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